

**STATE OF MAINE  
DEPARTMENT OF MARINE RESOURCES**

<b>IN THE MATTER OF THE APPLICATION ) OF PETER J. HORNE FOR RENEWAL ) OF AN AQUACULTURE LEASE LOCATED ) IN MAQUOIT BAY, FREEPORT, ) CUMBERLAND COUNTY, MAINE )</b>	<b>FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION</b>
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On August 2, 2004, Peter J. Horne applied for the renewal of an aquaculture lease issued on July 1, 1995. The applicant requested a ten-year renewal, to June 30, 2015, of a 5.16-acre suspended and bottom culture lease located in Maquoit Bay, Freeport, Cumberland County, Maine.

Notice of the application for lease renewal was published in the October 2004 issue of Commercial Fisheries News and the October 20, 2004 and November 10, 2004 issues of the Times Record. Members of the public, riparians and interested persons were given to November 19, 2004 to submit comments or request a hearing on the application for lease renewal. No comments or requests for a hearing on this application were received by the Department during the comment period.

Applications for aquaculture lease renewals are governed by 12 M.R.S.A. §6072(12) and Chapter 2.45 of the Department's rules, which provide that an aquaculture lease shall be renewed if the lessee has complied with the lease agreement during its term; the Commissioner determines that renewal of the lease is in the best interest of the state; the renewal will not cause the lessee to be a tenant of any kind in leases covering an aggregate of more than 300 acres; and the lease is not being held for speculative purposes.

Peter J. Horne has complied with the lease agreement during its ten-year term. In determining whether the lease is being held for speculative purposes, the Department looks to whether substantially no aquaculture or research has been conducted on the lease site. The leaseholders have conducted shellfish aquaculture on the site during the ten-year term.

In determining whether it is in the best interest of state to renew the lease, the Department takes into consideration, among other things, the potential for conflict with other

new or existing uses of the area which the Commissioner determines to be a higher use of the area from the perspective of the public interest. There are no known conflicts with other new or existing uses of the area. Therefore, it is in the best interest of the state to renew this lease. Additionally, the renewal of this lease will not cause Peter J. Horne to lease more than 300 acres.

Finally, in order for the Department to locate the lease site using modern location finding technology, i.e., Differential Global Positioning Systems, the lease description has been converted to Datum NAD83 and Degrees True. While the original site location shall remain the same, the following lease description shall replace the description set forth in the original lease document: STARTING at the point Latitude 43°50'54.403"N, Longitude 70°01'56.113"W (datum NAD83/WGS84), and point of beginning; thence 141.5° True, a distance of 331 feet to the southeast corner (43°50'51.845"N, 70°01'53.301"W); thence 41.5° True, a distance of 690 feet to the northeast corner (43°50'56.947"N, 70°01'47.062"W); thence 321.51° True, a distance of 331 feet to the northwest corner (43°50'59.506"N, 70°01'49.874"W); thence 221.5° True, a distance of 690 feet to the southwest corner and point of beginning. This new description sets forth the same boundaries of the original lease site, but is more precise and can be easily located through the use of modern technology.

#### **Decision**

The Commissioner of Marine Resources grants the application of Peter J. Horne for renewal of the 5.16-acre aquaculture lease located in Maquoit Bay, Freeport, Cumberland County, Maine, for a period of ten years, to June 30, 2015. In the renewal of this lease, Peter J. Horne is subject to the same terms, conditions, and obligations as set forth in the original lease.

**Dated:** \_\_\_\_\_

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**George D. Lapointe (Commissioner)**  
**Department of Marine Resources**